Goa, 12th May, 1966 SERIES I No. 6

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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

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Notification

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F. 7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the posts of Peons and other Class IV posts under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called the Government of Goa, Daman and Diu (Class IV Posts) Recruitment Rules, 1966.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidates, who has married a person having already a wife living, shall be eligible for appointment, unless the Central Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

G. K. Bhanot
Chief Secretary

Panjim, 6th May, 1966.

SCHEDULE

Name of Post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post.	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of Promotees	Period of probation if any	Method of rectt. whether by direct rectt. or by promotion or by deputation/transfer & percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making rectt.
1	2	3	4	5	6	7	8	9	10	11	12	13
1) Watchman/Water-carrier/Mali/Farash/Khalasi/Sweeper and similar other Class IV posts	—	Class IV (Non-gazetted Non-Ministerial)	Rs. 70-1-80-EB-1-85	N. A.	18-25 years 30	—	N. A.	Two years	By direct recruitment	N. A.	N. A.	—
2) Peon/orderly	—	Do	Do	Do	Do	Middle Class or equivalent preferably with English	Do	Do	Do	Do	Do	Do
3) Daftary/Jamadar	—	Do	Rs. 75-1-85-EB-2-95	Non-Selection	N. A.	N. A.	N. A.	Do	Promotion	Peon/Orderly of the office in which the vacancy arises.	Yes Class IV D.P.C.	—
4) Bailiff	—	Do	Rs. 80-1-85-2-95-EB-3-110	Do	18-25 years	Middle pass or VIII Class pass or equivalent with knowledge of local languages	Age — No. Qls — Yes.	Two years	Promotion 50% Direct recruitment 50%	Promotion—5 years service as peon/orderly of the office in which the vacancy arises.	Do	—
5) Attendant	—	Do	Rs. 95-3-110	Do	Do	Do	Do	Do	Do	Do	Do	—

GG: N. 22, I, dt 29.8.68

Finance Department

Notification

FD/F.III/2-35/part/3644/66

In exercise of the powers conferred by sub-section (1) of section 42 of the Goa, Daman and Diu Excise Duty Act, 1964, Government is hereby pleased to exempt «Marine Club» of Vasco-da-Gama, from the payment of licence fee to run a bar in its own premises situated at Major Bunder, Vasco-da-Gama.

This Notification shall come into force at once.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Srinivasagopalan, Deputy Secretary (Finance).

Panjim, 28th April, 1966.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/1022/1966

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 28th April 1966, and is hereby published for general information.

THE GOA, DAMAN AND DIU APPROPRIATION ACT, 1966

(No. 3 of 1966) [28th April 1966]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu for the services and purposes of the financial year 1966-67.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth Year of the Republic of India as follows: —

Short title

1. This Act may be called the Goa, Daman and Diu Appropriation Act, 1966.

Issue of Rs. 17,99,60,800 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu for the financial year 1966-67.

2. From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule, amounting in the aggregate to the sum of seventeen crores ninety nine lakhs sixty thousand and eight hundred rupees, towards defraying the several charges which will come in course of payment during the financial year 1966-67 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE

(See Sections 2 & 3)

No. of vote	Services and purposes	Sums not exceeding: Voted by Assembly	Charged on the Consolidated Fund	Total
1	2		3	
		Rs.	Rs.	Rs.
1.	Land Revenue	4,06,000	—	4,06,000
2.	State Excise Duties ...	8,01,600	—	8,01,600
3.	Taxes on Vehicles ...	2,44,500	—	2,44,500
4.	Sales Tax	1,88,900	—	1,88,900
5.	Other Taxes and Duties	5,88,500	—	5,88,500
6.	Stamps	10,000	—	10,000
7.	Registration Fees ...	2,00,600	—	2,00,600
—	Interest on Debt and Other Obligations ...	—	*49,70,900*	49,70,900
8.	Union Territory Legislature	8,64,300	*31,100*	8,95,400
9.	General Administration	37,61,900	*1,52,000*	39,13,900
10.	Administration of Justice	13,81,200	*96,200*	14,77,400
11.	Jails	3,21,800	—	3,21,800
12.	Police	69,06,100	—	69,06,100
13.	Miscellaneous Depantments....	7,50,800	—	7,50,800
14.	Scientific Departments	1,57,100	—	1,57,100
15.	Education	1,49,40,100	—	1,49,40,100
16.	Medical	66,95,800	—	66,95,800
17.	Public Health	52,96,800	—	52,96,800
18.	Agriculture	48,79,600	—	48,79,600
19.	Animal Husbandry ...	14,17,400	—	14,17,400
20.	Cooperation	6,32,900	—	6,32,900
21.	Industries	12,74,800	—	12,74,800
22.	Community Development Projects, National Extension Service and Local Development Works	18,04,900	—	18,04,900
23.	Labour and Employment	1,26,300	—	1,26,300
24.	Miscellaneous Social and Developmental Organisations ...	14,88,100	—	14,88,100
25.	Irrigation, Navigation, Embankment and Drainage Works	2,42,500	—	2,42,500
26.	Electricity Schemes ...	53,00,000	—	53,00,000
27.	Public Works	83,14,500	—	83,14,500
28.	Capital Outlay on Public Works (within the Revenue Account) ...	1,00,000	—	1,00,000
29.	Ports and Pilotage ...	5,25,000	—	5,25,000
30.	Road and Water Transport Schemes ...	15,50,000	—	15,50,000
31.	Pensions and Other Retirement Benefits ...	35,01,500	—	35,01,500
32.	Stationery and Printing	7,61,600	—	7,61,600
33.	Forest	8,68,200	—	8,68,200
34.	Miscellaneous	88,18,000	—	88,18,000
35.	Other Miscellaneous Compensations and Assignments	100	—	100
36.	Capital Outlay on Improvement of Public Health	25,00,000	—	25,00,000
37.	Capital Outlay on Schemes of Agricultural Improvement and Research	31,57,500	—	31,57,500
38.	Capital Outlay on Industrial and Economic Development ...	14,50,000	—	14,50,000

1	2	3		
33.	Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works	8,50,000	—	8,50,000
40.	Capital Outlay on Electricity Schemes ...	1,45,46,700	—	1,45,46,700
41.	Capital Outlay on Public Works	1,44,28,000	—	1,44,28,000
42.	Capital Outlay on Other Works	24,00,000	—	24,00,000
43.	Capital Outlay on Ports	5,00,000	—	5,00,000
44.	Capital Outlay on Road and Water Transport Schemes	3,18,000	—	3,18,000
45.	Capital Outlay on Forests	10,00,000	—	10,00,000
46.	Capital Outlay on Schemes of Government Trading	4,34,39,000	—	4,34,39,000
47.	Loans and Advances ...	50,00,000	—	50,00,000
	GRAND TOTAL ...	17,47,10,600	*52,50,200*	17,99,60,800

Secretariat
Panjim,
May 7, 1966.

P. B. VENKATASUBRAMANIAN
Secretary to the Government of Goa, Daman and Diu.

Industries and Labour Department

Notification

ILD/HS/2266/65

The Drugs and Cosmetics Act, 1940 as extended to the Union Territory of Goa, Daman and Diu is hereby reproduced below for the general information

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 29th April, 1966.

Act No. XXIII of 1940

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 10th April, 1940)

As Amended by Act No. II of 1955

[PASSED BY THE INDIAN PARLIAMENT]

(Received the assent of the President on the 15th April, 1955)

As Amended by Act No. 35 of 1960

[PASSED BY THE INDIAN PARLIAMENT]

(Received the assent of the President on the 15th September, 1960)

As Amended by Act No. 21 of 1962

[PASSED BY THE INDIAN PARLIAMENT]

(Received the assent of the President on the 27th June, 1962)

As Amended by Act No. 13 of 1964

[PASSED BY THE INDIAN PARLIAMENT]

(Received the assent of the President on the 12th May, 1964)

An Act to regulate the import, manufacture, distribution and sale of drugs and cosmetics

*Whereas it is expedient to regulate the import, manufacture, distribution and sale of drugs and cosmetics.

And whereas the Legislatures of all the Provinces have passed resolutions in terms of Section 103 of the Government of India Act, 1935, in relation to such of the above-mentioned matters and matters ancillary thereto as are enumerated in List II of the Seventh Schedule to the said Act;

It is hereby enacted as follows: —

CHAPTER I

Introductory

1. *Short title, extent and commencement* — (1) This Act may be called The Drugs and Cosmetics Act, 1940.

†(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once; but Chapter III shall take effect only from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and Chapter IV shall take effect in a particular State only from such date as the State Government may, by like notification, appoint in this behalf.

2. *Application of other laws not barred* — The provisions of this Act shall be in addition to, and not in derogation of, the Dangerous Drugs Act, 1930, and any other law for the time being in force.

3. *Definitions* — In this Act, unless there is anything repugnant in the subject or context, —

§(*a*) Ayurvedic (including Siddha) or Unani drug includes all medicines intended for internal or external use for or in the diagnosis, treatment, mitigation or prevention of disease in human beings, mentioned in, and processed and manufactured exclusively in accordance with the formulae described in, the authoritative books of Ayurvedic (including Siddha) and Unani (Tibb) systems of medicine, specified in the First Schedule;

§(*aa*) "the Board" means —

(*i*) in relation to Ayurvedic (including Siddha) or Unani drug, the Ayurvedic and Unani Drugs Technical Advisory Board constituted under section 33C; and

(*ii*) in relation to any other drug or cosmetic, the Drugs Technical Advisory Board constituted under section 5;

*Amended by Adaptation of Laws Order, 1950.

†Amended by the Part B States (Laws) Act, 1951 (III of 1951).

§ Added by the Drugs & Cosmetics (Amendment) Act, 1964.

§ Amended by the Drugs & Cosmetics (Amendment) Act, 1964.

$(aaa) "cosmetic" means any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic, but does not include soap;

§(b) "drug" includes —

(i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, **mitigation or prevention of disease in human beings or animals;

(ii) such substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette;

(c) "Government Analyst" means —

(i) in relation to Ayurvedic (including Siddha) or Unani drug, a Government analyst appointed by the Central Government or a State Government under section 33F; and

(ii) in relation to any other drug or cosmetic, a Government Analyst appointed by the Central Government or a State Government under section 20;

*(d) "India" means the territory of India excluding the State of Jammu and Kashmir;

(e) "Inspector" means —

(i) in relation to Ayurvedic (including Siddha) or Unani drug, an Inspector appointed by the Central Government or a State Government under section 33G; and

(ii) in relation to any other drug or cosmetic, an Inspector appointed by the Central Government or a State Government under section 21;

†(f) manufacture in relation to any drug or cosmetic includes any process or part of a process for making, altering, ornamenting, finishing, packing, labelling, breaking up or otherwise treating or adopting any drug or cosmetic with a view to its sale and distribution but does not include the compounding or dispensing of any drug, or the packing of any drug or cosmetic in the ordinary course of retail business; and 'to manufacture' shall be construed accordingly;

$(g) "to import", with its grammatical variations and cognate expressions, means to bring into India;

(h) "patent or proprietary medicine" means a drug which is a remedy or prescription presented in a form ready for internal or external administration of human beings or animals and which is not included in the edition of the Indian pharmacopoeia for the time being or in any other pharmacopoeia authorised in this behalf by the Central Government after consultation with the Board;

†(i) 'prescribed' means prescribed by rules made under this Act.

4. *Presumption as to poisonous substances* — Any substance specified as poisonous by Rule made under Chapter III or Chapter IV or Chapter IVA shall be deemed to be a poisonous substance for the purposes of Chapter III or Chapter IV or Chapter IV A as the case may be.

CHAPTER II

The Drugs Technical Advisory Board, The Central Drugs Laboratory and The Drugs Consultative Committee

5. *The Drugs Technical Advisory Board* — (1) The Central Government shall, as soon as may be, constitute a Board (to be called the Drugs Technical Advisory Board) to advise the Central Government and the State Governments on technical matters arising out of the administration of this Act and to carry out the other functions assigned to it by this Act.

(2) The Board shall consist of the following members, namely: —

(i) the Director General of Health Services, *ex officio*, who shall be Chairman;

(ii) the Drugs Controller, India, *ex officio;*

(iii) the Director of the Central Drugs Laboratory, Calcutta, *ex officio;*

(iv) the Director of the Central Research Institute, Kasauli, *ex officio;*

(v) the Director of the Indian Veterinary Research Institute, Izatnagar, *ex officio;*

(vi) the President of the Medical Council of India, *ex officio;*

(vii) the President of the Pharmacy Council of India, *ex officio;*

(viii) the Director of the Central Drug Research Institute, Lucknow, *ex officio;*

(ix) two persons, to be nominated by the Central Government from among persons who are in charge of drugs control in the States;

(x) one person, to be elected by the Executive Committee of the Pharmacy Council of India, from among teachers in pharmacy or pharmaceutical chemistry or pharmacognosy on the staff of an Indian University or a college affiliated thereto;

$Added by the Drugs (Amendment) Act, 1962.

§Amended by the Drugs (Amendment) Act, 1955.

**Amended by the Drugs (Amendment) Act, 1960.

*Added under the Part B States (Laws) Act, 1951 (III of 1951).

†Amended by the Drugs (Amendment) Act, 1955.

$Amended by the Part B States (Laws) Act, 1951 (III of 1951).

† Amended by the Drugs (Amendment) Act, 1955.

(xi) one person, to be elected by the Executive Committee of the Medical Council of India, from among teachers in medicine or therapeutics on the staff of an Indian University or a college affiliated thereto;

(xii) one person to be nominated by the Central Government from the pharmaceutical industry;

(xiii) one pharmacologist to be elected by the Governing Body of the Indian Council of Medical Research;

(xiv) one person to be elected by the Central Council of the Indian Medical Association;

(xv) one person to be elected by the Council of the Indian Pharmaceutical Association;

(xvi) two persons holding the appointment of Government Analyst under this Act, to be nominated by the Central Government;

*(2) The nominated and elected members of the Board shall hold office for three years, but shall be eligible for re-nomination and re-election;

Provided that the persons nominated or elected, as the case may be, under clause (ix) or clause (x) or clause (xi) or clause (xvi) of sub-section (2) shall hold office for so long as he holds the appointment of the office by virtue of which he was nominated or elected to the Board.

(4) The Board may, subject to the previous approval of the Central Government, make by-laws fixing a quorum and regulating its own procedure and the conduct of all business to be transacted by it.

(5) The Board may constitute sub-committees and may appoint to such sub-committees for such periods, not exceeding three years, as it may decide, or temporarily for the consideration of particular matters, persons who are not members of the Board.

(6) The functions of the Board may be exercised notwithstanding any vacancy therein.

(7) The Central Government shall appoint a person to be Secretary of the Board and shall provide the Board with such clerical and other staff as the Central Government considers necessary.

6. *The Central Drugs Laboratory* — (1) The Central Government shall, as soon as may be, establish a Central Drugs Laboratory under the control of a Director to be appointed by the Central Government, to carry out the functions entrusted to it by this Act or any Rules made under this Chapter:

Provided that if the Central Government so prescribes, the functions of the Central Drugs Laboratory in respect of any drug or class of drugs or cosmetic or class of cosmetics shall be carried out at the Central Research Institute, Kasauli, or at any other prescribed Laboratory and the functions of the Director of the Central Drugs Laboratory in respect of such drug or class of drugs or such cosmetic or class of cosmetics shall be exercised by the Director of that institute or of that other Laboratory, as the case may be.

*Amended by the Drugs (Amendment) Act, 1955.

*(2) The Central Government may, after consultation with the Board, make Rules prescribing —

(a) the functions of the Central Drugs Laboratory;

(b) the procedure for the submission to the said Laboratory under Chapter IV or Chapter IV A of samples of drugs or cosmetics for analysis or test, the forms of the Laboratory's reports thereon and the fees payable in respect of such reports;

(c) such other matters as may be necessary or expedient to enable the said Laboratory to carry out its functions;

(d) the matters necessary to be prescribed for the purposes of the proviso to sub-section (1).

7. *Drugs Consultative Committee* — (1) The Central Government may constitute an advisory committee to be called "The Drugs Consultative Committee" to advise the Central Government, the State Governments and the Drugs Technical Advisory Board on any matter tending to secure uniformity throughout India in the administration of this Act.

(2) The Drugs Consultative Committee shall consist of two representatives of the Central Government to be nominated by that Government and one representative of each State Government to be nominated by the State Government concerned.

(3) The Drugs Consultative Committee shall meet when required to do so by the Central Government and shall have power to regulate its own procedure.

†7A. Nothing contained in sections 5 and 7 shall apply to Ayurvedic (including Siddha) or Unani drugs.

CHAPTER III

Import of Drugs and Cosmetics

8. *Standards of quality* — (1) For the purpose of this Chapter, the expression "standard quality" means —

(a) in relation to a drug, that the drug complies with the standard set out in the Second Schedule, and

(b) in relation to a cosmetic, that the cosmetic complies with such standard as may be prescribed.

(2) The Central Government, after consultation with the Board and after giving by notification in the Official Gazette not less than three months' notice of its intention so to do, may by a like notification add to or otherwise amend the Second Schedule for the purposes of this Chapter, and thereupon the Second Schedule shall be deemed to be amended accordingly.

*Amended by the Drugs (Amendment) Act, 1955.

†Added by the Drugs and Cosmetics (Amendment) Act, 1964.

9. *Misbranded drugs* — For the purposes of this Chapter a drug shall be deemed to be misbranded —

(a) if it is an imitation of, or substitute for, or resemble in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it is imported under a name which belongs to another drug; or

(d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or

(e) if it is not labelled in the prescribed manner; or

(f) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular; or

(g) if the label or container bears the name of an individual or company purporting to be the manufacturer or producer of the drug, which individual or company is fictitious or does not exist.

*9A. *Misbranded cosmetics* — For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded —

(a) if it is an imitation of, or a substitute for, or resembles in a manner likely to deceive, another cosmetic; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it contains a colour which is not prescribed; or

(d) if it is imported under a name which belongs to another cosmetic; or

(e) if it is not labelled in the prescribed manner; or

(f) if its label or container bears the name of an individual or company purporting to be the manufacturer or producer of the cosmetic which individual or company is fictitious or does not exist; or

(g) if the label or container bears any statement which is false or misleading in any particular.

**9B. *Adulterated drugs*—For the purposes, of this Chapter, a drug shall be deemed to be adulterated —

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if any substance has been —

(i) mixed or packed therewith so as to reduce its quality or strength; or

(ii) substituted wholly or in part therefor.

Explanation — For the purpose of clause (*a*), a drug shall not be deemed to consist, in whole or in part, of any decomposed substance only by reason of the fact that such decomposed substance is the result of any natural decomposition of the drug within the period, if any, specified on the label of the drug within which the drug is to be used:

Provided that such decomposition is not due to any negligence on the part of the manufacturer of the drug or the importer or the dealer thereof and that it does not render the drug injurious to health.

10. *Prohibition of import of certain drugs and cosmetics* — From such date as may be fixed by the Central Government by notification in the Official Gazette in this behalf, no person shall import —

(a) any drug or cosmetic which is not of standard quality;

(b) any misbranded drug or misbranded cosmetic;

(bb) any adulterated drug;

(c) any drug or cosmetic for the import of which a licence is prescribed, otherwise than under, and in accordance with such licence;

†(d) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true formula or list of ingredients contained in it, in a manner readily intelligible to the members of the medical profession;

(e) any drug which by means of any statement, design or device accompanying it or by any other means, purports or claims to cure or mitigate any such disease or ailment or to have any such other effect, as may be prescribed;

(ee) any cosmetic containing any ingredient which may render it unsafe or harmful for use under the directions indicated or recommended;

(f) any drug or cosmetic the import of which is prohibited by Rules made under this Chapter:

Provided that nothing in this Section shall apply to the import, subject to prescribed conditions, of small quantities of any drug for the purpose of examination, test or analysis or for personal use:

*Added by the Drugs (Amendment) Act, 1962.

**Added by the Drugs and Cosmetics (Amendment) Act, 1964.

†Amended by the Drugs (Amendment) Act, 1955.

Provided further that the Central Government may, after consultation with the Board, by notification in the Official Gazette, permit, subject to any conditions specified in the notification, the import of any drug or class of drugs not being of standard quality.

Explanation — The formula or list of ingredients mentioned in clause (d) shall be deemed to be true and sufficient compliance with that sub-clause if without disclosing a full and detailed recipe of the ingredients, it indicates correctly all potent or poisonous substances contained therein together with an approximate statement of the composition of the medicine.

11. *Application of law relating to sea customs and powers of Customs Officers* — (1) The law for the time being in force relating to sea customs and to goods the import of which is prohibited by Section 18 of the Sea Customs Act, 1878 (VIII of 1878), shall, subject to the provisions of Section 13 of this Act, apply in respect of drugs or cosmetics the import of which is prohibited under this Chapter, and officers of Customs and officers empowered under that Act to perform the duties imposed thereby on a Customs Collector and other officers of Customs shall have the same powers in respect of such drugs or cosmetics as they have for the time being in respect of such goods as aforesaid.

*(2) Without prejudice to the provisions of sub-section (1), the Customs Collector or any officer of the Government authorised by the Central Government in this behalf, may detain any imported package which he suspects to contain any drug or cosmetic the import of which is prohibited under this Chapter and shall forthwith report such detention to the Drugs Controller, India, and, if necessary, forward the package of sample of any suspected drug or cosmetic found therein to the Central Drugs Laboratory.

12. *Power of Central Government to make Rules* — *(1) The Central Government may, after consultation with the Board and after previous publication by notification in the Official Gazette, make Rules for the purpose of giving effect to the provisions of this Chapter:

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make Rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the Rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said Rules.

(2) Without prejudice to the generality of the foregoing power, such Rules may —

(a) specify the drugs or classes of drugs or cosmetics or classes of cosmetics for the import of which a licence is required, and prescribe the form and conditions of such licences, the authority empowered to issue the same, and the fees payable therefor;

(b) prescribe the methods of test or analysis to be employed in determining whether a drug or cosmetic is of standard quality;

*Amended by the Drugs (Amendment) Act, 1955.

(c) prescribe, in respect of biological and organo-metallic compounds, the units or methods of standardization;

(cc) prescribe under clause (d) of section 9B the colour or colours which a drug may bear or contain for purposes of colouring;

*(d) specify the diseases or ailments which an imported drug may not purport or claim to prevent, cure or mitigate and such other effects which such drug may not purport or claim to have;

(e) prescribe the conditions subject to which small quantities of drugs the import of which is otherwise prohibited under this Chapter, may be imported for the purpose of examination, test or analysis or for personal use;

(f) prescribe the places at which drugs or cosmetics may be imported, and prohibit their import at any other place;

(g) require the date of manufacture and the date of expiry of potency to be clearly and truly stated on the label or container of any specified imported drug or class of such drugs and prohibit the import of the said drug or class of drugs after the expiry of a specified period from the date of manufacture;

(h) regulate the submission by importers, and the securing of samples of drugs or cosmetics for examination, test or analysis by the Central Drugs Laboratory, and prescribe the fees, if any, payable for such examination, test or analysis;

(i) prescribe the evidence to be supplied, whether by accompanying documents or otherwise, of the quality of drugs or cosmetics sought to be imported, the procedure of officers of Customs in dealing with such evidence, and the manner of storage at places of import of drugs or cosmetics detained pending admission;

(j) provide for the exemption, conditionally or otherwise, from all or any of the provisions of this Chapter and the Rules made thereunder of drugs or cosmetics imported for the purpose only of transport through, and export from India;

(k) prescribe the conditions to be observed in the packing in bottles, packages or other containers of imported drugs or cosmetics;

(l) regulate the mode of labelling drugs or cosmetics imported for sale in packages and prescribe the matters which shall or shall not be included in such labels;

(m) prescribe the maximum proportion of any poisonous substance which may be added to or contained in any imported drug, prohibit the import of any drug in which that proportion is exceeded, and specify substances which shall be deemed to be poisonous for the purposes of this Chapter and the Rules made thereunder;

(n) require that the accepted scientific name of any specified drug shall be displayed in th

*Amended by the Drugs (Amendment) Act, 1955.

prescribed manner on the label or wrapper of any imported patent or proprietary medicine containing such drug;

(o) provide for the exemption, conditionally or otherwise, from all or any of the provisions of this Chapter or the Rules made thereunder of any specified drug or class of drugs or cosmetic or class of cosmetics.

13. *Offences* — (1) Whoever contravenes any of the provisions of this Chapter or of any Rule made thereunder shall, in addition to any penalty to which he may be liable under the provisions of Section 11, be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, having been convicted under sub-section (1), is again convicted under that sub-section shall, in addition to any penalty as aforesaid be punishable with imprisonment which may extend to two years or with fine which may extend to one thousand rupees, or with both.

14. *Confiscation* — Where any offence punishable under Section 13 has been committed, the consignment of the drug or cosmetic in respect of which the offence has been committed shall be liable to confiscation.

15. *Jurisdiction* — No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try an offence punishable under Section13.

CHAPTER IV

Manufacture, Sale and Distribution of Drugs and Cosmetics

16. *Standards of quality* — (1) For the purposes of this Chapter, the expression «standard quality» means —

(a) in relation to a drug, that the drug complies with the standard set out in the Second Schedule, and

(b) in relation to a cosmetic, that the cosmetic complies with such standard as may be prescribed.

(2) The Central Government, after consultation with the Board and after giving by notification in the Official Gazette not less than three months' notice of its intention so to do may by a like notification add to or otherwise amend the Second Schedule for the purposes of this Chapter, and thereupon the Second Schedule shall be deemed to be amended accordingly.

17. *Misbranded drugs* — For the purposes of this Chapter a drug shall be deemed to be misbranded —

(a) if it is imitation of, or substitute for, or resembles in a manner likely to deceive, another drug, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it is sold, or offered or exposed for sale, under a name which belongs to another drug; or

(d) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or

(e) it is not labelled in the prescribed manner; or

(f) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular; or

(g) if the label or container bears the name of an individual or company purporting to be the manufacturer or producer of the drug, which individual or company is fictitious or does not exist.

**17A. *Misbranded cosmetics* — For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded —

(a) if it is an imitation of, or a substitute for, or resembles in a manner likely to deceive, another cosmetic; or

(b) if it purports to be the product of a place or country of which it is not truly a product; or

(c) if it contains a colour which is not prescribed; or

(d) if it is sold, or offered or exposed for sale, under a name which belongs to another cosmetic; or

(e) if it is not labelled in the prescribed manner; or

(f) if its label or container bears the name of an individual or company purporting to be the manufacturer or producer of the cosmetic which individual or company is fictitious or does not exist; or

(g) if the label or container bears any statement which is false or misleading in any particular.

*17B. *Adulterated drugs* — For the purposes of this Chapter a drug shall be deemed to be adulterated —

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

**Amended by the Drugs (Amendment) Act, 1962.

*Added by the Drugs and Cosmetics (Amendment) Act, 1964.

(e) if any substance has been—

(i) mixed or packed therewith so as to reduce its quality or strength; or

(ii) substituted wholly or in part therefor.

Explanation—For the purpose of clause (a), a drug shall not be deemed to consist, in whole or in part, of any decomposed substance only by reason of the fact that such decomposed substance is the result of any natural decomposition of the drug within the period, if any, specified on the label of the drug within which the drug is to be used:

Provided that such decomposition is not due to any negligence on the part of the manufacturer of the drug or the dealer thereof and that it does not render the drug injurious to health.

18. *Prohibition of manufacture and sale of certain drugs and cosmetics*—From such date as may be fixed by the State Government by notification in the Official Gazette in this behalf, no person shall himself or by any other person on his behalf—

(a) manufacture for sale, or sell, or stock or exhibit for sale, or distribute—

(i) any drug or cosmetic which is not of standard quality;

(ii) any misbranded drug or misbranded cosmetic;

(iia) any adulterated drug;

†(iii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true formula or list of ingredients contained in it in a manner readily intelligible to the members of the medical profession;

†(iv) any drug which by means of any statement, design or device accompanying it or by any other means, purports or claims to prevent, cure or mitigate any such disease or ailment or to have any such other effect as may be prescribed;

(v) any cosmetic containing any ingredient which may render it unsafe or harmful for use under the directions indicated or recommended;

(vi) any drug or cosmetic in contravention of any of the provisions of this Chapter or any Rule made thereunder;

(b) sell, or stock or exhibit for sale, or distribute any drug or cosmetic which has been imported or manufactured in contravention of any of the provisions of this Act or any Rule made thereunder;

(c) manufacture for sale, or sell, or stock or exhibit for sale, or distribute any drug on cosmetic, except under, and in accordance with the conditions of, a licence issued for such purpose under this Chapter:

Provided that nothing in this Section shall apply to the manufacture, subject to prescribed conditions, of small quantities of any drug for the purpose of examination, test or analysis:

*Provided further that the Central Government may, after consultation with the Board by notification in the Official Gazette, permit, subject to any conditions specified in the notification, the manufacture for sale, sale or distribution of any drug or class of drugs not being of standard quality.

Explanation—The formula or list of ingredients mentioned in sub-clause (iii) of clause (a) shall be deemed to be true and a sufficient compliance with that sub-clause if, without disclosing a full and detailed recipe of the ingredients, it indicates correctly all the potent or poisonous substances contained therein together with an approximate statement of the composition of the medicine.

18A. *Disclosure of the name of the manufacture*—Every person, not being the manufacturer of a drug or cosmetic or his agent for the distribution thereof, shall, if so required, disclose to the Inspector the name, address and other particulars of the person from whom he acquired the drug or cosmetic.

19. *Pleas*—(1) Save as hereinafter provided in this Section, it shall be no defence in a prosecution under this Chapter to prove merely that the accused was ignorant of the nature, substance or quality of the drug or cosmetic in respect of which the offence has been committed or of the circumstances of its manufacture or import, or that a purchaser, having bought only for the purpose of test or analysis, has not been prejudiced by the sale.

(2) For the purposes of Section 18 a drug shall not be deemed to be misbranded or adulterated or to be below standard quality nor shall a cosmetic be deemed to be misbranded or to be below standard quality only by reason of the fact that—

(a) there has been added thereto some inocuous substance or ingredient because the same is required for the manufacture or preparation of the drug or cosmetic as an article of commerce in a state fit for carriage or consumption, and not to increase the bulk, weight or measure of the drug or cosmetic or to conceal its inferior quality or other defects; or

(b) in the process of manufacture, preparation or conveyance some extraneous substance has unavoidably become intermixed with it: Provided that this clause shall not apply in relation to any sale or distribution of the drug or cosmetic occurring after the vendor or distributor became aware of such inter-mixture.

**(3) A person, not being the manufacturer of a drug or cosmetic or his agent for the distribution thereof, shall not be liable for a contravention of section 18 if he proves—

(a) that he acquired the drug or cosmetic from a duly licensed manufacturer, distributor or dealer thereof;

†Amended by the Drugs (Amendment) Act, 1955.

*Amended by the Drugs (Amendment) Act, 1955.

**Amended by the Drugs and Cosmetics (Amendment) Act, 1964.

Provided further that where the drug or cosmetic is made up in containers of small volume, instead of dividing a sample as aforesaid, the Inspector may and if the drug or cosmetic be such that it is likely to deteriorate or be otherwise damaged by exposure shall, take three or four, as the case may be, of the said containers after suitably marking the same and, where necessary, sealing them.

(4) The Inspector shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it, and shall retain the remainder and dispose of the same as follows: —

(i) One portion or container he shall forthwith send to the Government Analyst for test or analysis;

(ii) the second he shall produce to the Court before which proceedings, if any, are instituted in respect of the drug or cosmetic; and

*(iii) the third, where taken, he shall send to the person, if any, whose name, address and other particulars have been disclosed under section 18A.

(5) Where an Inspector takes any action under clause (c) of Section 22 —

(a) he shall use all despatch in ascertaining whether or not the drug or cosmetic contravenes any of the provisions of Section 18 and, if it ascertained that the drug or cosmetic does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock seized;

(b) if he seizes the stock of the drug or cosmetic, he shall as soon as may be, inform a Magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged contravention be such that the defect may be remedied by the possessor of the drug or cosmetic, he shall on being satisfied that the defect has been so remedied, forthwith revoke his order under the said clause.

**(6) Where an Inspector seizes any record, register, document or any other material object under clause (cc) of sub-section (1) of Section 22, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

24. *Persons bound to disclose place where drugs or cosmetics are manufactured or kept* — Every person for the time being in charge of any premises whereon any drug or cosmetic is being manufactured or is kept for sale or distribution shall, on being required by an Inspector so to do, legally bound to disclose to the Inspector the place where the drug or cosmetic is being manufactured or is kept, as the case may be.

*Amended by the Drugs and Cosmetics (Amendment) Act, 1964.

**Amended by the Drugs (Amendment) Act, 1960.

25. *Reports of Government Analysts* — (1) The Government Analyst to whom a sample of any drug or cosmetic has been submitted for test or analysis under sub-section (4) of Section 23, shall deliver to the Inspector submitting it a signed report in triplicate in the prescribed form.

(2) The Inspector on receipt thereof shall deliver one copy of the report to the person from whom the sample was taken and another copy to the person, if any, whose name, address and other particulars have been disclosed under Section 18A, and shall retain the third copy for use in any prosecution in respect of the sample.

(3) Any document purporting to be a report signed by a Government Analyst under this Chapter shall be evidence of the facts stated therein, and such evidence shall be conclusive unless the person from whom the sample was taken or the person whose name, address and other particulars have been disclosed under Section 18A has, within twenty-eight days of the receipt of a copy of the report, notified in writing the Inspector or the Court before which any proceedings in respect of the sample are pending that he intends to adduce evidence in controversion of the report.

(4) Unless the sample has already been tested or analysed in the Central Drugs Laboratory, where a person has under sub-section (3) notified his intention of adducing evidence in controversion of a Government Analyst's report the Court may, of its own motion or in its discretion at the request either of the complainant or the accused cause the sample of the drug or cosmetic produced before the Magistrate under Sub-section (4) of Section 23 to be sent for test or analysis to the said Laboratory, which shall make the test or analysis and report in writing signed by, or under the authority of the Director of the Central Drugs Laboratory the result thereof, and such report shall be conclusive evidence of the facts stated therein.

(5) The cost of a test or analysis made by the Central Drugs Laboratory under sub-section (4) shall be paid by the complainant or accused, as the Court shall direct.

26. *Purchaser of drug or cosmetic enabled to obtain test or analysis* — Any person shall, on application in the prescribed manner and on payment of the prescribed fee, be entitled to submit for test or analysis to a Government Analyst any drug or cosmetic purchased by him and to receive a report of such test or analysis signed by the Government Analyst.

*27. *Penalty for manufacture, sale, etc., of drugs in contravention of this Chapter* — Whoever himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale or distributes —

(a) any drug —

(i) deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 or adulterated under section 17B; or

*Amended by the Drugs and Cosmetics (Amendment) Act 1964.

(ii) without a valid licence as required under clause (c) of section 18,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to ten years and shall also be liable to fine:

Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of imprisonment of less than one year;

(b) any drug other than a drug referred to in clause (a) in contravention of any of the provisions of this Chapter or any rule made thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

†27A. *Penalty for manufacture, sale, etc., of cosmetics in contravention of this chapter* — Whoever himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale, or distributes any cosmetic in contravention of any of the provisions of this Chapter or any rule made thereunder, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

*28. *Penalty for non-disclosure of the name of the manufacturer etc.* — Whoever contravenes the provisions of section 18A shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

29. *Penalty for use of Government Analyst Report for advertising* — Whoever uses any report of a test or analysis made by the Central Drugs Laboratory or by a Government Analyst, or any extract from such report, for the purpose of advertising any drug or cosmetic shall be punishable with fine which may extend to five hundred rupees.

**30. *Penalty for subsequent offences* — (1) Whoever, having been convicted of an offence —

(a) under clause (a) of Section 27 is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to ten years and shall also be liable to fine:

Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of less than two years;

(b) under clause (b) of Section 27, is again convicted of an offence under that clause shall be punishable with imprisonment for a term which may extend to ten years, or with fine, or with both.

†(1A) Whoever, having been convicted of an offence under section 27A is again convicted under that section, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, having been convicted of an offence under Section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to ten years, or with fine, or with both.

*31. *Confiscation* — (1) Where any person has been convicted under this Chapter for contravening any such provision of this Chapter or any Rule made thereunder as may be specified by Rule made in this behalf the stock of the drug or cosmetic in respect of which the contravention has been made shall be liable to confiscation and if such contravention is in respect of —

(i) manufacture of any drug deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 or adulterated under section 17B; or

(ii) manufacture for sale, or sale, or stocking or exhibiting for sale, or distribution of any drug without a valid licence as required under clause (c) of section 18,

any implements or machinery used in such manufacture, sale or distribution and any receptacles, packages or coverings in which such drug is contained and the animals, vehicles, vessels or other conveyances used in carrying such drug shall also be liable to confiscation;

†(2) Without prejudice to the provisions contained in sub-section (1), where the Court is satisfied, on the application of an Inspector or otherwise and after such inquiry as may be necessary that the drug or cosmetic is not of standard quality or is a misbranded or adulterated drug, or misbranded cosmetic, such drug or, as the case may be, such cosmetic shall be liable to confiscation.

**31A. *Application of provisions to Government departments* — The provisions of this Chapter except those contained in section 31 shall apply in relation to the manufacture, sale or distribution of drugs by any department of Government as they apply in relation to the manufacture, sale or distribution of drugs by any other person.

32. *Cognizance of offences* — (1) No prosecution under this Chapter shall be instituted except by an Inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try an offence punishable under this Chapter.

(3) Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Chapter.

†Added by the Drugs (Amendment) Act, 1962.

*Amended by the Drugs and Cosmetics (Amendment) Act, 1964.

**Amended by the Drugs (Amendment) Act, 1960.

*Amended by the Drugs (Amendment) Act, 1960.

†Added by the Drugs (Amendment) Act, 1962.

**Added by the Drugs and Cosmetics (Amendment) Act, 1964.

*32A. *Power of Court to implead the manufacturer, etc.* — Where, at any time during the trial of any offence, under this Chapter alleged to have been committed by any person, not being the manufacturer of a drug or cosmetic or his agent for the distribution thereof, the Court is satified, on the evidence adduced before it, that such manufacturer or agent is also concerned in that offence, then the Court may, notwithstanding anything contained in sub-section (1) of section 351 of the Code of Criminal Procedure, 1898, proceed against him as though a prosecution had been instituted against him under section 32.

†33. *Power of Central Government to make Rules* — (1) The Central Government may after consultation with the Board and after previous publication by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter:

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.

(2) Without prejudice to the generality of the foregoing power, such rules may —

(a) provide for the establishment of laboratories for testing and analysing drugs or cosmetics;

(b) prescribe the qualifications and duties of Government Analysts and the qualifications of the Inspectors;

(c) prescribe the methods of test or analysis to be employed in determining whether a drug or cosmetic is of standard quality;

(d) prescribe, in respect of biological and organo-metallic compounds, the units or methods of standardization;

*(dd) prescribe under clause (d) of section 17B the colour or colours which a drug may bear or contain for purposes of colouring;

(e) prescribe the forms of licences for the manufacture for sale, for the sale and for the distribution of drugs or any specified drug or class of drugs or of cosmetics or any specified cosmetic or class of cosmetics the form of application for such licences, the conditions subject to which such licences may be issued, the authority empowered to issue the same and the fees payable therefor;

(f) specify the diseases or ailments which a drug may not purport or claim to prevent, cure or mitigate and such other effects which a drug may not purport or claim to have;

(g) prescribe the conditions subject to which small quantities of drugs may be manufactured for the purpose of examination, test or analysis;

(h) require the date of manufacture and the date of expiry of potency to be clearly and truly stated on the label or container of any specified drug or class of drugs, and prohibit the sale, stocking or exhibition for sale or distribution of the said drug or class of drugs after the expiry of a specified period from the date of manufacture or after the expiry of the date of potency;

(i) prescribe the conditions to be observed in the packing of bottles, packages and other containers of drugs or cosmetics and prohibit the sale, stocking or exhibition for sale, or distribution of drugs or cosmetics packed in contravention of such conditions;

(j) regulate the mode of labelling packed drugs or cosmetics and prescribe the matters which shall or shall not be included in such labels;

(k) prescribe the maximum proportion of any poisonous substance which may be added to or contained in any drug, prohibit the manufacture, sale or stocking or exhibition for sale, or distribution of any drug in which that proportion is exceeded, and specify substances which shall be deemed to be poisonous for the purposes of this Chapter and the Rules made thereunder;

(l) require that the accepted scientific name of any specified drug shall be displayed in the prescribed manner on the label or wrapper of any patent or proprietary medicine containing such drug;

†(n) prescribe the powers and duties of Inspectors and specify the drugs or classes of drugs or cosmetics or classes of cosmetics in relation to which and the conditions, limitations or restrictions subject to which, such powers and duties may be exercised or performed;

(o) prescribe the forms of report to be given by Government Analysts, and the manner of application for test or analysis under Section 26 and the fees payable therefor;

*(p) specify the offences against this Chapter or any rule made thereunder in relation to which an order of confiscation may be made under section 31; and

(q) provide for the exemption, conditionally or otherwise, from and or any of the provisions of this Chapter or the Rules made thereunder or any specified drug or class of drugs or cosmetics or class of cosmetics.

**33A. *Chapter not to apply to Ayurvedic (including Siddha) or Unani drugs* — Save as otherwise provided in this Act, nothing contained in this Chapter shall apply to Ayurvedic (including Siddha) or Unani drugs.

*Added by the Drugs and Cosmetics (Amendment) Act, 1964.

†Amended by the Drugs (Amendment) Act, 1960.

†Amended by the Drugs (Amendment) Act, 1960.

*Amended by the Drugs and Cosmetics (Amendment) Act, 1964.

**Added by the Drugs and Cosmetics (Amendment) Act, 1964.

pectors for such areas as may be assigned to them by the Central Government or the State Government, as the case may be.

(2) The powers which may be exercised by an Inspector and the duties which may be performed by him and the conditions, limitations or restrictions subject to which such powers and duties may be exercised or performed shall be such as may be prescribed.

(3) No person who has any financial interest in the manufacture or sale of any drug shall be appointed to be an Inspector under this section.

(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the Government appointing him may specify in this behalf.

33H. *Application of provisions of sections* 22, 23, 24 *and* 25 — The provisions of sections 22, 23, 24 and 25 and the rules, if any, made thereunder shall, so far as may be, apply in relation to an Inspector and a Government Analyst appointed under this Chapter as they apply in relation to an Inspector and a Government Analyst appointed under Chapter IV, subject to the modification that the references to «drug» in the said sections, shall be construed as references to «Ayurvedic (including Siddha) or Unani drug».

33I. *Penalty for manufacture, sale, etc., of Ayurvedic (including Siddha) and Unani drugs in contravention of this Chapter* — Whoever contravenes the provisions of section 33D or section 33E or section 24 as applied by section 33H or any rule made under this Chapter shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

33J. *Penalty for subsequent offences* — Whoever, having been convicted of an offence under section 33D or section 33E is again convicted for an offence under the said section shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

33K. *Confiscation* — Where any person has been convicted under this Chapter, the stock of the Ayurvedic (including Siddha) or Unani drug, in respect of which the contravention has been made, shall be liable to confiscation.

33L. *Application of the provisions to Government departments* — The provisions of this Chapter except those contained in section 33K shall apply in relation to the manufacture for sale, sale, or distribution of any Ayurvedic (including Siddha) or Unani drug by any department of Government as they apply in relation to the manufacture for sale, sale, or distribution of such drug by any other person.

33M. *Cognizance of offences* — (1) No prosecution under this Chapter shall be instituted except by an inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try an offence punishable under this Chapter.

33N. *Power of Central Government to make rules* — (1) The Central Government may, after consultation with the Board and after previous publication by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter:

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case, the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestion which the Board may make in relation to the amendment of the said rules.

(2) Without prejudice to the generality of the foregoing power, such rules may, —

(a) provide for the establishment of laboratories for testing and analysing Ayurvedic (including Siddha) or Unani drugs;

(b) prescribe the qualifications and duties of Government Analysts and the qualifications of Inspectors;

(c) prescribe the methods of test or analysis to be employed in determining whether any Ayurvedic (including Siddha) or Unani drug is labelled with the true list of the ingredients which it is purported to contain;

(d) specify any substance as a poisonous substance;

(e) prescribe the forms of licences for the manufacture for sale of Ayurvedic (including Siddha) or Unani drugs, the form of application for such licences, the conditions subject to which such licences may be issued, the authority empowered to issue the same and the fees payable therefor;

(f) regulate the mode of labelling packed Ayurvedic (including Siddha) or Unani drugs and prescribe the matters which shall or shall not be included in such labels;

(g) prescribe the conditions subject to which small quantities of Ayurvedic (including Siddha) or Unani drugs may be manufactured for the purpose of examination, test, or analysis; and

(h) any other matter which is to be or may be prescribed under this Chapter.

33O. *Power to amend First Schedule* — The Central Government, after consultation with the Board and after giving, by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by a like notification, add to or otherwise amend the First Schedule for the purposes of this Chapter and thereupon the said Schedule shall be deemed to be amended accordingly.

*CHAPTER V

Miscellaneous

†33P. *Power to give directions* — The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any Rule or order made thereunder.

*Added by the Drugs (Amendment) Act, 1955.
†Added by the Drugs (Amendment) Act, 1960.

34. (1) Where an offence under this Act has been committed by a company every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Nothwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation — For the purposes of this section —

(a) 'company' means a body corporate, and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

$34A. *Offences by Government departments* — Where an offence under Chapter IV or Chapter IVA has been committed by any department of Government, such authority as is specified by the Central Government to be incharge of manufacture, sale or distribution of drugs or where no authority is specified, the head of the department, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such authority or person liable to any punishment provided in Chapter IV or Chapter IVA, as the case may be, if such authority or person proves that the offence was committed without its or his knowledge or that such authority or person exercised all due diligence to prevent the commission of such offence.

35. *Publication of offender's name* — (1) If any person is convicted of an offence under this Act, it shall be lawful for the court before which the conviction takes place to cause the offender's name, place of residence, the offence of which he has been convicted and the penalty which has been inflicted upon him, to be published at the expense of such person in such newspapers or in such other manner as the court may direct.

(2) The expenses of such publication shall be deemed to form part of the costs relating to the conviction and shall be recoverable in the same manner as those costs are recoverable.

36. *Powers of Magistrates in excess of Section 32 of the Code of Criminal Procedure* — Nothwithstanding anything contained in the Code of Criminal Procedure, 1898 it shall be lawful for any Presidency Magistrate or any Magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under the said Code.

37. *Protection of persons acting under this Act* — No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

38. *Rules to be laid before Parliament* — Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

$Added by the Drugs and Cosmetics (Amendment) Act, 1964.

*THE FIRST SCHEDULE

[*See* section 3 (*a*)]

A — Ayurvedic (including Siddha) system

Serial No.	Name of book
1.	Arogya Kalpadruma
2.	Arka Prakasha
3.	Arya Bhishak
4.	Ashtanga Hridaya
5.	Ashtanga Samgraha
6.	Ayurveda Kalpadruma
7.	Ayurveda Prakasha
8.	Ayurveda Samgraha
9.	Bhaishajya Ratnavali
10.	Bharat Bhaishajya Ratnakara
11.	Bhava Prakasha
12.	Brihat Nighantu Ratnakara
13.	Charaka Samhita
14.	Chakra Datta
15.	Gada Nigraha
16.	Kupi Pakva Rasayana
17.	Nighantu Ratnakara
18.	Rasa Chandanshu
19.	Rasa Raja Sundara
20.	Rasaratna Samuchaya
21.	Rasatantra Sara Siddha Prayoga Samgraha
22.	Rasa Tarangini
23.	Rasa Yoga Sagara
24.	Rasa Yoga Ratnakara
25.	Rasa Yoga Samgraha
26.	Rasendra Sara Samgraha
27.	Rasa Pradipika
28.	Sahasrayoga
29.	Sarvaroga Chikista Ratnam
30.	Sarvayoga Chikista Ratnam
31.	Sharangadhara Samhita
32.	Siddha Bhaishajya Manimala
33.	Siddha Yoga Samgraha
34.	Sushruta Samhita

* Added by the Drugs and Cosmetics (Amendment) Act, 1964.

35. Vaidya Chintamani
36. Vaidyaka Shabda Sindu
37. Vaidyaka Chikitsa Sara
38. Vaidya Jiwan
39. Basava Rajeeyam
40. Yoga Ratnakara
41. Yoga Tarangini
42. Yoga Chintamani
43. Kashyapasamhita
44. Bhelasamhita
45. Vishwanathachikitsa
46. Vrindachikitsa
47. Ayurvedachintamani
48. Abhinavachintamani
49. Ayurveda-ratnakar
50. Yogaratnasangraha
51. Rasamrita
52. Dravyagunanighantu
53. Rasamanjari
54. Bangasena

Siddha

55. Siddha Vaidya Thirattu
56. Therayar Maha Karisal
57. Brahma Muni Karukkadai (300)
58. Bhogar (700)
59. Pulippani (500)
60. Agasthiyar Paripuranam (400)
61. Therayar Yamagam
62. Agasthiyar Chenduram (300)
63. Agasthiyar (1500)
64. Athmarakshamrutham
65. Agasthiyar Pin (80)
66. Agasthiyar Rathna Churukkam
67. Therayar Karisal (300)
68. Veeramamuni Nasa Kandam
69. Agasthiyar (600)
70. Agasthiyar Kanma Soothiram
71. 18 Siddhar's Chillarai Kovai
72. Yogi Vatha Kaviyam
73. Therayar Tharu
74. Agasthiyar Vaidya Kaviyam (1500)
75. Bala Vagadam
76. Chimittu Rathna (Rathna) Churukkam
77. Nagamuni (200)
78. Agasthiyar Chillarai Kovai
79. Chikicha Rathna Deepam
80. Agasthiyar Nayana Vidhi
81. Yugi Karisal (151)
82. Agasthiyar Vallathi (600)
83. Therayar Thaila Varkam

B — Unani (Tibb) system

1. Karabadin Qadri
2. Karabadin Kabir
3. Karabadin Azam
4. Ilaj-ul-Amraz
5. Al Karabadin
6. Biaz Kabir Vol. II
7. Karabadin Jadid
8. Kitab-ul-Taklis
9. Sanat-ul-Taklis
10. Mifta-ul-Khazain
11. Madan-ul-Aksir
12. Makhzan-ul-murabhat

THE SECOND SCHEDULE

(*See* sections 8 and 16)

Standards to be complied with by imported drugs and by drugs manufactured for sale, sold stocked or exhibited for sale or distributed

Class of drug	Standard to be complied with
1. Patent or proprietary medicines.	The formula or list of ingredients displayed in the prescribed manner on the label or container and such other standards as may be prescribed.
2. Substances commonly known as vaccines, sera, toxin toxoids, antitoxins, and antigens and biological products of such nature.	The standards maintained at the International Laboratory for Biological Standards, Stantans Seruminstitut, Copenhagen and such further standards of strength, quality and purity as may be prescribed.
3. Vitamins, hormones and analogues products.	The standards maintaind at the International Laboratory for Biological Standards, National Institute for Medical Research, London, and such further standards of strength, quality as may be prescribed.
4. Substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause disease in human beings or animals.	Such standards as may be prescribed.
5. Other drugs: (a) Drugs included in the Indian Pharmacopoeia.	Standards of identity, purity and strength specified in the edition of the Indian Pharmacopoeia for the time being and such other standards as may be prescribed.
(b) Drugs not included in the Indian Pharmacopoeia but which are included in any Pharmacopoeia of any other country.	Standards of identity, purity and strength specified for the drugs in the edition of such pharmacopoeia for the time being and such other standards as may be prescribed.

GOVT. PRINTING PRESS — GOA
(Imprensa Nacional — Goa)
PRICE — Rs. 1-20 Ps